

January 4, 2005

January Fourth

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The regular January Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, T. Wayne Oakes, Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Assistant City Manager for Government Affairs Todd M. Yeatts, Director of Finance Aubrey D. Dodson, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Community Development Director Jerry Fischer, and Planning Director Kenny Gillie.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Sherman Saunders offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **MINUTES**

Upon Motion by Council Member Daniels and second by Council Member Saunders, Minutes of the December 21, 2004 Meeting of Danville City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

#### **BUDGET ADOPTION-FY 2004-05-LEGAL EXPENSES-SHERIFF**

Upon Motion by Vice-Mayor Williams and second by Council Member Daniels, Ordinance No. 2004-12.04 presented by its First Reading on December 21, 2004 amending the Fiscal year 2004-2005 Budget Appropriation Ordinance to provide reimbursement from the State Compensation Board in the amount of \$2,833 and transfer from the General Fund Contingency Account in the amount of \$1,417 for reasonable legal expenses incurred by the Sheriff's Department for a total amount of \$4,250 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, Smith, and Williams (9).  
NAY: None (0).

#### **HEARING - SPECIAL USE PERMIT - BALTIMORE AVENUE - DAY CARE**

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Mayor Hamlin opened the floor to consider a request for a Special Use Permit to operate a Day Care Center at 24 & 26 Baltimore Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on December 21 and 28, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2005-01.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A CHILD DAY CARE FACILITY AT 24 & 26 BALTIMORE AVENUE.

Council Member Saunders seconded the vote.

Council Member Oakes inquired of Planning Director Gillie if the facility had a handicap ramp. Mr. Gillie said upon Council's approval for issuance of the permit, the facility would be brought up to code standards. He said the applicants were awaiting Council's favor before upgrades to the facility were completed.

In response to Vice-Mayor Williams, Mr. Gillie said a minimum of five (5) children utilizing the day care center required the issuance of a Special Use Permit and the owners were required to have a license to operate the facility.

The Ordinance was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

**HEARING - SPECIAL USE PERMIT - RESTAURANT AT 1050 MAIN STREET**

Mayor Hamlin opened the floor to consider a request for a Special Use Permit to operate a restaurant at 1050 Main Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on December 21 and 28, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2005-01.02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A RESTAURANT (COFFEE SHOP WITH FOOD SERVICE AND CATERING) AT 1050 MAIN STREET.

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The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, Smith, and Williams (9).  
NAY: None (0).

**HEARING - AMEND CERTAIN SECTIONS OF ZONING CODE-CHAPTER 41**

Mayor Hamlin opened the floor to consider amendments to certain sections of Chapter 41 of the Danville City Code. Notice of the Public Hearing had been duly published in the Danville Register and Bee on December 21 and 28, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2005-01.03

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF ARTICLE 2, ARTICLE 3, ARTICLE 8, ARTICLE 10, AND ARTICLE 15 OF CHAPTER 41 OF THE DANVILLE CITY CODE.

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, Smith, and Williams (9).  
NAY: None (0).

Council Member Smith said he wanted to assure the public that Council was not doing anything wrong by amending the less-than-one-year-old Zoning Code. He said when the 2020 Land Use Plan and the new Zoning Code were approved, Council was very much aware that adjustments would be necessary as situations arose regarding these matters.

**COMMUNICATIONS**

There were no communications from the City Manager, Deputy City Manager, City Attorney, and City Clerk.

**ROLL CALL**

Council Members wished everyone a healthy, prosperous, and happy new year.

Council Member Archie said she had read that the City's Firefighters, Police Officers, and Transit Drivers would be required to take Spanish in order to communicate with Danville's

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Spanish-speaking population. She asked City Manager Gwaltney for clarification.

Mr. Gwaltney said that a matter that started out to be a good public service offering for the Danville community had received quite a bit of publicity in recent days. He said it was not the intent of the City administration to require Spanish classes, but to offer education for those who wished to take advantage of the class. Mr. Gwaltney explained that the City had no mechanism in place for offering comprehensive Spanish classes in-house to employees. As a result of requests from City employees, who indicated they wished to take Spanish, Mr. Gwaltney said Human Resources was arranging for a Spanish teacher to come in-house to offer classes. Mr. Gwaltney said the class is not a full-scale Spanish class, but it would provide adequate education for City workers to be able to communicate with those customers.

Mrs. Archie thanked Mr. Gwaltney for clearing up the matter.

Council Member Castiglione asked everyone to remember those areas in Asia that were struck by a catastrophic tsunami last week. He praised the benevolence of all who have offered assistance to victims' families.

Mr. Castiglione said he had received several phone calls from citizens who complained they were having problems contacting Adelphia Cable for services. He said the customers were attempting to contact Adelphia to address problems relating to existing cable service. He requested City Manager Gwaltney to let Adelphia know of these complaints.

Council Member Daniels thanked Mr. Gwaltney for the explanation relating to Spanish classes. He said City employees, who desired to so, should take the classes, but felt the non-English speaking populations should learn English.

Mayor Hamlin congratulated Coy Harville, who was re-elected as Chairman of the Pittsylvania County Board of Supervisors on Monday evening.

Council Member Luther encouraged everyone to take a look at the new marquee at the newly-renovated North Theatre. Mr. Luther advised that at 5:30 p.m. on Thursday, January 6, 2005, formal lighting of the marquee would take place during a special ceremony.

Council Member Oakes commented about the concern of the apparent loss of a confederate museum that would include Civil War artifacts, writings, and other items to be donated by Dr. James Robertson. Mr. Oakes said that in a recent newspaper article, it was implied that the Rotary and Kiwanis Clubs chose not to contribute to the museum, which ultimately and indirectly doomed the project. Mr. Oakes said he knew for a fact that Kiwanis applied to the E. Stuart James Grant Trust, on behalf of the

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museum, for a grant in the amount of \$300,000. Mr. Oakes said he wanted that fact to go on record.

Council Member Saunders said he would like to applaud City employees for wanting to learn the Spanish language. He said Danville, along with the nation, has become a multi-cultural society and continued to change every day. He said at some point, he expected the Federal and State governments to require Spanish classes in all the nation's schools. Mr. Saunders said individuals who move to Danville and work here also pay taxes. He felt the City was required to serve these individuals.

Council Member Smith said he had observed VDOT personnel working near the Robertson Bridge/Riverside Drive intersection. Mr. Smith said it appeared survey work was being done. He asked City Manager Gwaltney to investigate.

Mr. Smith said he understood Governor Warner had suggested that \$140,000,000 be spent on public/private partnerships to assist local governments, through private contractors, to avail themselves of a pool of money to speed up construction of some projects. The funds would help to alleviate the backlog of projects all across the State. Mr. Smith felt the City administration should look into the possibility of the City receiving some of these funds for the Robertson Bridge project. He said the Robertson Bridge project is the most important one in the City and every avenue should be explored in seeking funding.

Vice-Mayor Williams said there were many exciting things happening in the City and that he was very pleased and excited to be living in Danville. Dr. Williams said he looked forward to 2005.

The Meeting adjourned at 7:28 P.M.

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MAYOR

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CLERK